

REMARKS

This is in response to the Office Action of October 6, 2009. Claims 3 and 5 are cancelled, without prejudice. Claim 9 is amended based upon such disclosure as that in the second full paragraph on page 12 of the specification ("Considering the balance among physical properties of dip-formed articles, it is most preferred that neither sulfur nor curing accelerator is added"). No new matter is introduced by this Amendment. Claims 2, 4, 7, and 9 are before the Examiner for further consideration.

Rejection of claims 2, 4, 5, 7 and 9

Claims 2, 4, 5, 7, and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Osen in view of Nile. Office Action, pages 3-4. The rejection does not apply to the presently claimed embodiments of Applicants' invention.

Osen relates to an aqueous elastomer composition that is designed to be suitable for coating metallic substrates such as automotive parts, and to objects such as automotive parts coated with the elastomer composition. In contrast, Nile merely discloses making rubber gloves by a conventional dipping process. There is no motivation or rationale for manufacturing Nile's gloves from the aqueous elastomer coating composition of the type disclosed by Osen.

The Osen disclosure of peroxide in paragraphs [0018]-[0025] is suggestive of the equivalence of the six compounds listed. Specifically, by listing them as alternatives, the Osen disclosure suggests the equivalence of 2,5-dimethyl-2,5-di-tert-butylperoxyhexane, 2,5-dimethyl-2,5-di-tert-butylperoxyhexine-3, di-tert-butyl peroxide, dicumyl peroxide,  $\alpha$ ,  $\alpha'$ -di-tert-butylperoxydiisopropyldiisopropylbenzene, dibenzoyl peroxide, and 1,1-di-tert-butylperoxy-3,3,5-trimethylcyclohexane.

However, Applicants respectfully submit that data in the Examples and Comparative Examples of their specification demonstrate that, in fact, Osen's peroxides are not all equivalent in properties important to rubber gloves, such as resistance to flexing fatigue. Therefore,

Applicants' selection of dibenzoyl peroxide<sup>1</sup> from among all of the peroxides taught by Osen unexpectedly provides beneficial properties.

Since the Osen disclosure is directed to coating metallic substrates such as automotive parts, and is suggestive of the equivalence of all of the peroxides listed therein, Osen neither teaches nor suggests that using dibenzoyl peroxide as a peroxide for making rubber gloves would provide the rubber gloves with especially beneficial properties. Furthermore, the dip-forming composition of the present invention is specified to contain neither sulfur nor curing accelerator, in order to promote a favorable balance among the physical properties of dip-formed gloves formed from said composition. This feature of the present invention is nowhere disclosed or suggested in the Osen and Nile references.

It is respectfully submitted that the present invention – a glove with the beneficial properties mentioned above, being obtained by dip-forming a composition containing no sulfur or curing accelerator, which composition comprises a conjugated diene rubber latex and a dibenzoyl peroxide – would not have been obvious to a person of ordinary skill in the art based upon the Osen and Nile disclosures. Withdrawal of the rejection of record is in order and is earnestly solicited.

#### Rejection of claim 3

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0144400 A1 (Osen) in view of US 5,399,400 (Nile) and US 2007/0112141 A1 (Toya). Office Action, pages 4-5. This ground of rejection is rendered moot by the present cancellation of claim 3.

#### Contact information

If there are any questions concerning this application, please contact Richard Gallagher, Registration No. 28,781, at (703) 205-8008.

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<sup>1</sup> Applicants' independent claim 9 recites, among other things, "a composition comprising a conjugated diene rubber latex and a dibenzoyl peroxide."

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

AC

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